1654

Agreemey Docket No. 9233-63

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ekwuribe et al. Serial No.: 09/873,797 Filed: June 4, 2001

Confirmation No.: 2859 Group Art Unit: 1654

For: Mixtures of Drug-Oligomer Conjugates Comprising Polyalkylene Glycol, Uses Thereof,

and Methods of Making Same

December 23, 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Attached is a list of documents on Form PTO-1449, along with a copy of each listed document. It is requested that these documents be considered by the Examiner and officially made of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP.

Also attached is a Declaration of James Gordon Still under 37 C.F.R. § 1.132 in which Dr. Still provides information about the slides that are included on the attached PTO Form 1449 as items 93 and 98. Although applicants provide these slides to the examiner in the interest of full disclosure in accordance with applicant's duty, it is applicants' belief that these slides are not "printed publications" as set forth in 35 U.S.C. § 102(b) and are thus not prior art to the claimed invention. Applicants base this belief on a comparison of the facts in this case as set forth in Dr. Still's Declaration with the facts set forth in *Regents of the University of California v. Howmedica, Inc.* [210 U.S.P.Q. 727 (D.N.J. 1981); *aff'd*, 676 F.2d 687 (3rd Cir. 1982); copy enclosed], in which the court determined that slides shown during an oral presentation did not constitute a "printed publication" within the meaning of 35 U.S.C. § 102(b). Because the facts reviewed by the court parallel the facts of the present application, applicants believe these slides are not prior art against the invention as claimed in the present application.

This Supplemental Information Disclosure Statement and Form PTO-1449 are

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submitted in accordance with 37 C.F.R. § 1.97(b), before the mailing of a first Office Action. Therefore, no fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

Mary & Mille

Mary L. Miller

Registration No. 39,303

Customer Number 20792

Myers Bigel Sibley & Sajovec, P.A. P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATE OF EXPRESS MAILING

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Cathy A Schetzina

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		Document Number	Date		untry	Class	Subclass	Translation Yes No
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